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EQUIPMENT PURCHASE Policy No. 115

According to state and federal contract provisions, if any moveable equipment or furnishings are purchased with Council funds for use by a contractor for contracted activities, such equipment shall remain the property of the Council and shall be returned to the Council office upon written request. If such equipment is not returned within 30 days, necessary legal action may be pursued.

A. RECORDS: The contractor shall be responsible for maintaining records which identify what furnishings and equipment were purchased with Council funds and the contractor shall provide ordinary care and maintenance for such equipment. The contractor shall clearly identify such equipment as belonging to the Council in their records. Upon request the contractor shall provide a current description of activities being performed with the equipment and/or furnishings if the contract has been terminated and such equipment and furnishings have not been returned to the Council Office.

B. RECOVERY: It shall be the responsibility of the contractor to deliver the requested equipment to the Council upon request. Any costs for damage to the equipment prior to or during delivery shall be the responsibility of the contractor.

C. CONTRACT INCORPORATION: The policy outlined in "Records" and "Recovery" above shall be incorporated by additional provisions in all Council contracts which require purchase of any moveable equipment.

E. FUNDING SOURCE: No partial or shared purchases will be made with Council funds.

F. DISPOSAL OF RECOVERED OR SURPLUS EQUIPMENT: Federal and state law require any equipment purchased with Council funds to be and remain the property of the federal and state government. Therefore, each contract shall contain language that sets forth this ownership requirement and a requirement that all equipment purchased pursuant to a Council contract be inventoried and separately listed from the contractor's other non-Council equipment. Each contract shall also set forth right of recovery language.

1. Whenever the Council or staff determines it is in the best interests of the Council to recover equipment or supplies from a contractor purchased with Council funds a written request shall be made to the contractor responsible for the equipment.
2. The written request shall set forth the equipment to be recovered, time frame for recovery and the means of delivery.
3. The Council shall use or store recovered equipment as determined appropriate. Appropriate uses include:

- a. Use by other Council projects; or
 - b. Use by Council members if the use is explicitly related to and only for Council business;
or
 - c. Use by the Council in its office.
4. If the Council provides the equipment in a project other than the project it was originally purchased for, a written memorandum of agreement between the project entity and Council shall be used to set forth the terms, purpose, period of use, and terms of recovery of the equipment.